

S. 1839. A bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COCHRAN:

S. 1840. A bill to amend title XVIII of the Social Security Act to remove the 20 percent inpatient limitation under the medicare program on the proportion of hospice care that certain rural hospice programs may provide; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 1841. A bill to award congressional gold medals on behalf of the officers, emergency workers, and other employees of the Federal Government and any State or local government, including any interstate government entity, who responded to the attacks on the World Trade Center in New York City and perished in the tragic events of September 11, 2001; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CLELAND:

S. 1842. A bill to modify the project for beach erosion control, Tybee Island, Georgia; to the Committee on Environment and Public Works.

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 1843. A bill to extend hydro-electric licenses in the State of Alaska; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1844. A bill to authorize a pilot program for purchasing buses by public transit authorities that are recipients of assistance or grants from the Federal Transit Administration; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY:

S. 1845. A bill to amend title 5, United States Code, to create a presumption that disability of a Federal employee in fire protection activities caused by certain conditions is presumed to result from the performance of such employee's duty; to the Committee on Governmental Affairs.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 1846. A bill to prohibit oil and gas drilling in Finger Lakes National Forest in the State of New York; to the Committee on Energy and Natural Resources.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 1847. A bill to increase the Government's share of development project costs at certain qualifying airports; to the Committee on Commerce, Science, and Transportation.

#### ADDITIONAL COSPONSORS

S. 847

At the request of Mr. DAYTON, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 847, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 917

At the request of Ms. COLLINS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow in-

come averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 990

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 990, a bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.

S. 1140

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1500

At the request of Mr. KYL, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1500, a bill to amend the Internal Revenue Code of 1986 to provide tax and other incentives to maintain a vibrant travel and tourism industry, to keep working people working, and to stimulate economic growth, and for other purposes.

S. 1707

At the request of Mr. JEFFORDS, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Tennessee (Mr. THOMPSON) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1712

At the request of Mr. GRASSLEY, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1712, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 1752

At the request of Mr. CORZINE, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1752, a bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV and other sexually transmitted diseases.

S. 1761

At the request of Mr. CAMPBELL, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1761, a bill to amend title XVIII of the Social Security Act to provide for coverage of cholesterol and blood lipid screening under the medicare program.

S. 1765

At the request of Mr. FRIST, the names of the Senator from Nevada (Mr.

ENSIGN) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 1765, a bill to improve the ability of the United States to prepare for and respond to a biological threat or attack.

S. 1767

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1767, a bill to amend title 38, United States Code, to provide that certain service in the American Field Service ambulance corps shall be considered active duty for the purposes of all laws administered by the Secretary of Veteran's Affairs, and for other purposes.

S. 1799

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. 1799, a bill to strengthen the national security by encouraging and assisting in the expansion and improvement of educational programs to meet critical needs at the elementary, secondary, and higher education levels.

S. 1800

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. 1800, a bill to strengthen and improve the management of national security, encourage Government service in areas of critical national security, and to assist government agencies in addressing deficiencies in personnel possessing specialized skills important to national security and incorporating the goals and strategies for recruitment and retention for such skilled personnel into the strategic and performance management systems of Federal agencies.

S. CON. RES. 72

At the request of Ms. LANDRIEU, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Con. Res. 72, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued honoring Martha Matilda Harper, and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued.

AMENDMENT NO. 2597

At the request of Mr. TORRICELLI, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from North Carolina (Mr. HELMS), the Senator from Florida (Mr. GRAHAM), the Senator from Nevada (Mr. ENSIGN), and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of amendment No. 2597.

AMENDMENT NO. 2603

At the request of Mr. MCCAIN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of amendment No. 2603.

At the request of Mr. ROBERTS, his name was added as a cosponsor of amendment No. 2603 supra.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER (for herself and Mr. CORZINE):

S. 1838. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that individual account plans protect workers by limiting the amount of employer stock each worker may hold and encouraging diversification of investment of plan assets, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, today Senator CORZINE and I are introducing the Pension Protection and Diversification Act of 2001, (PPDA).

I authored and Congress passed a bill in 1997 amending ERISA. That law bars employers from forcing employees to invest employee voluntary contributions to their 401(k) in the employer's real estate or equities with a couple of exceptions. I believe that what Enron did violated the law I authored. Enron "locked down" its pension fund for a period of time during which the company's stock plummeted. That lockdown effectively forced Enron employees to have their voluntary contributions and earnings on those contributions invested in Enron's plunging stock. That said, we are introducing the PPDA today in order to protect employees from losing their retirement savings in the future the way that Enron employees lost theirs.

Enron employees were naturally drawn to Enron stock because of its meteoric rise. But when the stock crashed, it took many Enron employees' savings down with it. There are two lessons we should learn from this situation. First, Enron workers had far too much of their individual 401(k) account plans invested in Enron stock. And second, Enron forced its employees to hold its matching contribution in Enron stock to the employee's 401(k) account for far too long.

Unfortunately, Enron employees are not alone in their 401(k) investment habits. There are far too many workers in far too many companies disproportionately investing their retirement savings in employer stock.

The "Pension Protection and Diversification Act of 2001", PPDA, will encourage workers to diversify their retirement savings and to encourage employers to give workers the power to diversify their retirement plans.

Toward that end, the bill limits to 20 percent the investment an employee can have in any one stock across their individual account plans with an employer. Studies show that employees do not diversify their investments sufficiently even when they have the power to diversify. In the Enron case, too many workers followed their employer's lead and invested too much of their own money in Enron stock. This provision, based on the opinions that financial management experts have expressed in numerous articles over the last few years, is designed to discourage that gamble.

The PPDA also limits to 90 days the time that an employer can force an em-

ployee to hold a matching employer stock contribution. Too often, the current holding period on stock ownership in a retirement plan is prohibitive because it requires participants to keep their shares far longer than might suit their needs.

There are typically two types of structures. Either the participant is required to hold the stock until a certain age, for example, at Enron they had to hold it until they were at least 50 years old or older, or the participant is required to hold the stock for a certain period of time, for example, for 5 years or longer. These mandatory holding periods require investors to hang on to their company stock for 5 to 25 years or more before they can properly divest themselves to a more diversified portfolio. This bill will put an end to that practice.

To encourage cash matching contributions rather than matching contributions in stock, the PPDA limits to 50 percent, instead of 100 percent, the tax deduction that an employer can take on a matching contribution if that contribution is made in stock. Employees often report that the employer match in employer stock to their 401(k) plans is seen as a tacit recommendation to put their voluntary contributions in employer stock as well. By encouraging cash over stock contributions, this bill gives employees the power to determine where their funds are invested.

And, last, the PPDA lowers to 35 years of age and 5 years of service the triggers that allow an employee to diversify his or her investments in an Employee Stock Ownership Plan, ESOP. The current diversification rules are too restrictive and leave employees too exposed.

ESOPs currently are required to allow employees to diversify only a portion of their employer stock; they can diversify only during limited window periods; and they can diversify only after they reach age 55 with 10 years of plan participation. So, most employees most of the time don't have current diversification rights in ESOPs. By the time they are eligible to diversify, it may be too late.

There is another factor to bear in mind. A 401(k) or other defined contribution plan that holds enough employer stock can readily be converted to an ESOP. New worker protections enacted to apply to 401(k) plans could be circumvented by converting the portion of the 401(k) plan that is investing in company stock to an ESOP or by setting up an ESOP from the outset. Allowing divestiture at an earlier date will help avoid the situation.

We exempt ESOPs from the rest of this bill because there are other factors at play, such as the basic purpose of ESOPs. I think there is justification for having 401(k) diversification rights that are far broader than ESOP diversification rights; but I am including ESOP diversification requirements in this bill because in their current form, those requirements are too narrow.

Whether or not Enron broke the law in the management of its pension plan is being determined in the courts. I believe that they did, but we must make sure all workers are protected from losing their savings before an employer's stock collapses.

I encourage my colleagues to cosponsor this legislation.

By Mr. ALLARD (for himself, Mrs. CLINTON, Mr. SHELBY, and Mr. FEINGOLD):

S. 1839. A bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ALLARD. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1839

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Choice in Real Estate Act".

#### SEC. 2. CLARIFICATION THAT REAL ESTATE BROKERAGE AND MANAGEMENT ACTIVITIES ARE NOT BANKING OR FINANCIAL ACTIVITIES.

(a) BANK HOLDING COMPANY ACT OF 1956.—Section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)) is amended by adding at the end the following new paragraph:

"(8) REAL ESTATE BROKERAGE AND REAL ESTATE MANAGEMENT ACTIVITIES.—

"(A) IN GENERAL.—The Board may not determine that real estate brokerage activity or real estate management activity is an activity that is financial in nature, is incidental to any financial activity, or is complementary to a financial activity.

"(B) REAL ESTATE BROKERAGE ACTIVITY DEFINED.—For purposes of this paragraph, the term 'real estate brokerage activity' means any activity that involves offering or providing real estate brokerage services to the public, including—

"(i) acting as an agent for a buyer, seller, lessor, or lessee of real property;

"(ii) listing or advertising real property for sale, purchase, lease, rental, or exchange;

"(iii) providing advice in connection with sale, purchase, lease, rental, or exchange of real property;

"(iv) bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property;

"(v) negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with providing financing with respect to any such transaction);

"(vi) engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or broker under any applicable law; and

"(vii) offering to engage in any activity, or act in any capacity, described in clause (i), (ii), (iii), (iv), (v), or (vi).

"(C) REAL ESTATE MANAGEMENT ACTIVITY DEFINED.—For purposes of this paragraph,

the term 'real estate management activity' means any activity that involves offering or providing real estate management services to the public, including—

“(i) procuring any tenant or lessee for any real property;

“(ii) negotiating leases of real property;

“(iii) maintaining security deposits on behalf of any tenant or lessor of real property (other than as a depository institution for any person providing real estate management services for any tenant or lessor of real property);

“(iv) billing and collecting rental payments with respect to real property or providing periodic accounting for such payments;

“(v) making principal, interest, insurance, tax, or utility payments with respect to real property (other than as a depository institution or other financial institution on behalf of, and at the direction of, an account holder at the institution);

“(vi) overseeing the inspection, maintenance, and upkeep of real property, generally; and

“(vii) offering to engage in any activity, or act in any capacity, described in clause (i), (ii), (iii), (iv), (v), or (vi).

“(D) EXCEPTION FOR COMPANY PROPERTY.—This paragraph shall not apply to an activity of a bank holding company or any affiliate of such company that directly relates to managing any real property owned by such company or affiliate, or the purchase, sale, or lease of property owned, or to be used or occupied, by such company or affiliate.”.

(b) REVISED STATUTES OF THE UNITED STATES.—Section 5136A(b) of the Revised Statutes of the United States (12 U.S.C. 24a(b)) is amended by adding at the end the following new paragraph:

“(4) REAL ESTATE BROKERAGE AND REAL ESTATE MANAGEMENT ACTIVITIES.—

“(A) IN GENERAL.—The Secretary may not determine that real estate brokerage activity or real estate management activity is an activity that is financial in nature, is incidental to any financial activity, or is complementary to a financial activity.

“(B) DEFINITIONS.—For purposes of this paragraph, the terms 'real estate brokerage activity' and 'real estate management activity' have the same meanings as in section 4(k)(8) of the Bank Holding Company Act of 1956.

“(C) EXCEPTION FOR COMPANY PROPERTY.—This paragraph shall not apply to an activity of a national bank, or a subsidiary of a national bank, that directly relates to managing any real property owned by such bank or subsidiary, or the purchase, sale, or lease of property owned, or to be owned, by such bank or subsidiary.”.

By Mr. COCHRAN:

S. 1840. A bill to amend title XVIII of the Social Security Act to remove the 20 percent inpatient limitation under the medicare program on the proportion of hospice care that certain rural hospice programs may provide; to the Committee on Finance.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1840

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Rural Communities Hospice Care Access Improvement Act of 2001”.

#### SEC. 2. EXCEPTION TO MEDICARE 20 PERCENT INPATIENT CARE LIMITATION FOR CERTAIN RURAL HOSPICE PROGRAMS.

(a) IN GENERAL.—Section 1861(dd) of the Social Security Act (42 U.S.C. 1395x(dd)) is amended—

(1) in paragraph (2)(A)(iii), by inserting “subject to paragraph (6),” after “(iii)”; and

(2) by adding at the end the following new paragraph:

“(6) The requirement of paragraph (2)(A)(iii) (relating to a limitation on the proportion of hospice care provided in an inpatient setting) shall not apply in the case of a hospice program that meets the following requirements:

“(A) The hospice program is a non-profit organization, provides a residence for individuals who do not have a primary caregiver available at home, is located in a rural area (as defined in section 1886(d)(2)(D)), is not certified for purposes of this title to provide other than hospice care, and is not affiliated with any organization that provides a type of care other than hospice care.

“(B) The residence has not more than 20 beds.

“(C) The residence offers all other categories of hospice care, including continuous home care, respite care, and general patient care, for individuals who qualify to receive such care.”.

(b) MAINTAINING PAYMENT RATES FOR ROUTINE CARE.—Section 1814(a) of such Act (42 U.S.C. 1395f(a)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

“(3)(A) With respect to a care provided under a hospice program described in section 1861(dd)(6) that meets the requirements of that section, payment for routine care and other services included in hospice care furnished under such program shall be made at the rate applicable under this subsection for routine home care and other services included in hospice care.

“(B) For purposes of determining payment amounts under subparagraph (A) with respect to routine and continuous care, the residence described in section 1861(dd)(6) is deemed to be the home of the individual receiving hospice care.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to hospice care provided on or after the date of the enactment of this Act.

By Mr. CLELAND:

S. 1842. A bill to modify the project for beach erosion control, Tybee Island, Georgia; to the Committee on Environment and Public Works.

Mr. CLELAND. Mr. President, today I am introducing legislation to expand the existing Federal shoreline protection project on Tybee Island, GA to include the North Beach area of the island. This project, which originally began as an effort to protect the ocean-front beach, has previously been expanded to include the southern tip of the island as well as a portion of the Back River. On November 8, 2001, at my request, the Senate Committee on Environment and Public Works passed a Study Resolution asking the Army Corps of Engineers to conduct a reconnaissance study to determine whether

it is advisable to expand the project to include North Beach. The legislation I am introducing today will provide the necessary authorization to expand the project once the required studies are completed. Erosion of the dunes on North Beach is endangering one of my State's natural treasurers and this legislation will help to preserve a truly beautiful beachfront for those who reside on and visit Tybee Island.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1844. A bill to authorize a pilot program for purchasing buses by public transit authorities that are recipients of assistance or grants from the Federal Transit Administration; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation that will benefit every public transit agency in America by streamlining their purchasing of buses with Federal funding. I am pleased to be joined in introducing this bill by my colleague, Senator DOMENICI, who has worked with me on developing this important legislation.

Our bill is very simple. It authorizes a 5-year pilot program to allow State and local transit authorities that receive Federal transit assistance the option to purchase transit buses through the General Services Administration.

Allowing public transit agencies the option to purchase buses through the GSA could result in substantial cost savings to the Federal Government. In addition, GSA's standardized options and prices would help streamline the procurement process for buses, which could be especially valuable to smaller communities. I do believe our bill will help stretch each dollar of Federal transit funding a little bit farther.

Currently only the Washington Metropolitan Area Transit Authority has the option to purchase buses through the General Services Administration. WMATA is today using this authority to purchase buses. The pilot program authorized in our bill would open up the option to all public transit agencies around the country that receive Federal transit assistance. However, as a pilot program, it is limited only to heavy-duty transit buses and intercity coaches. Because of GSA's limited experience with transit buses, the bill provides for the pilot program to be managed by the Federal Transit Administration.

The General Services Administration currently offers three heavy-duty transit buses and two intercity coaches. GSA selected these suppliers in full and open competitive solicitations, and the companies had to bid attractive terms and prices in order to win those 5-year contracts. However, to ensure that all bus suppliers have an equal opportunity to provide buses through the GSA, our bill requires GSA to reopen immediately the original solicitation to provide a full and open competition

for all bus manufacturers interested in selling buses through GSA contracts. In addition, bus suppliers that already have GSA contracts would be permitted to modify their proposals.

Finally, to ensure future fairness to all bus suppliers, the GSA will expand the bus program to a full multiple-award schedule with a larger variety of vehicles and choices of optional equipment. GSA indicates this process will take 12 to 18 months. Therefore, our bill directs GSA to complete the multiple-award schedule by December 31, 2003, and authorizes state and local transit authorities that receive Federal transit assistance to purchase heavy-duty transit buses and intercity coaches off these new GSA schedules. The pilot program ends after 5 years on December 31, 2006.

I believe it is very important to point out that as a pilot program, our bill is limited only to transit buses and intercity coaches. It has no effect on companies that supply other types of vehicles, pharmaceuticals, or any other product that currently can be purchased through the General Services Administration.

I believe transit buses are a unique situation. Public transit agencies should be allowed to use their Federal funding to purchase buses through the GSA. There are only a few bus manufacturers in America today and most buses are purchased using Federal funds provided by the Federal Transit Administration. In fact, our bill requires that a majority of the cost of all buses purchased through the GSA be from Federal funds. We also believe that the pilot program authorized in our bill could provide valuable information on bus purchasing that Congress may want to consider when the 6-year transportation bill is reauthorized in 2003.

Our bus manufacturers are not having an easy time in this recession. Our bill will help expedite bus companies by eliminating the cost of responding to myriad requests for proposals from public transit agencies. That's why bus manufacturers, through the American Public Transportation Association, support our proposal. Our bill will also help the public transit agencies by reducing the cost of preparing the requests for proposals and assessing the responses.

I ask unanimous consent that a letter of support for our bill from the American Public Transportation Association be included in the RECORD at the conclusion of my remarks.

I do believe this is a meritorious proposal and hope it will be enacted as soon as possible. I look forward to working with Senator SARBANES, chairman of the Banking Committee, and the members of his committee to see if prompt action can be taken on this bill.

The pilot program has the support of the Federal Transit Administration, bus manufacturers, and public transit agencies across the Nation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1844

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Transit Authority Pilot Procurement Authorization Act of 2001".

#### SEC. 2. DEFINITIONS.

(a) **HEAVY-DUTY TRANSIT BUS.**—The term "heavy-duty transit bus" has the same meaning given that term in the American Public Transportation Association Standard Procurement Guideline Specifications, dated March 25, 1999 and July 3, 2001, and as contained in the General Services Administration Solicitation FFAH-B1-002272-N.

(b) **INTERCITY COACH.**—The term "intercity coach" has the meaning given that term in the General Services Administration Solicitation FFAH-B1-002272-N, section 1-4B, Amendment number 2, dated June 6, 2000.

#### SEC. 3. PILOT PROGRAM FOR SALE TO PUBLIC TRANSIT AUTHORITIES.

(a) **IN GENERAL.**—The Federal Transit Administration of the Department of Transportation shall carry out a pilot program to facilitate and accelerate the procurement of heavy-duty transit buses and intercity coaches by State, local, and regional transportation authorities that are recipients of Federal Transit Administration assistance or grants where Federal funds provide the majority of the funding for the bus procurement, through existing or new or modified contracts with the General Services Administration. The transit authorities shall obtain Federal Transit Administration approval prior to placement of orders.

(b) **REOPENING OF SOLICITATION FOR HEAVY-DUTY TRANSIT AND INTERCITY COACHES.**—Notwithstanding any other provision of law or Federal regulation, the General Services Administration Solicitation FFAH-B1-002272-N shall be reopened to all qualified heavy-duty transit bus and intercity coach manufacturing companies to bid for contracts to sell such buses and coaches to State, local, and regional transportation authorities that are recipients of Federal Transit Administration assistance or grants where Federal funds provide the majority of the funding for the bus procurement.

(c) **MODIFICATIONS OF EXISTING GSA CONTRACTS.**—Notwithstanding any other provision of law or Federal regulation, heavy-duty transit bus manufacturing companies and intercity coach manufacturing companies who have existing contracts awarded by the General Services Administration under Solicitation FFAH-B1-002272-N prior to the date of enactment of this Act, shall be allowed to modify or restructure their bids incorporated in such contracts to respond to prospective sales of heavy-duty transit buses and intercity coaches to State, local, and regional transportation authorities that are recipients of Federal Transit Administration assistance or grants where Federal funds provide the majority of the funding for the bus procurement.

(d) **AUTHORITY TO PURCHASE FROM EXISTING AND NEW CONTRACTS.**—Notwithstanding any other provision of law or Federal regulation, State, local, and regional transportation authorities that are recipients of Federal Transit Administration assistance or grants where Federal funds provide the majority of the funding for the bus procurement are authorized to purchase heavy-duty transit buses and intercity coaches from—

- (1) existing contracts;
- (2) existing contracts as modified pursuant to subsection (c); and
- (3) new contracts awarded by the General Services Administration under the original or reopened Solicitation FFAH-B1-002272-N.

(e) **TERMINATION.**—The pilot program carried out under this Act shall terminate on December 31, 2006.

#### SEC. 4. ESTABLISHMENT OF MULTIPLE AWARD SCHEDULE BY GSA.

Not later than December 31, 2003, the General Services Administration, with assistance from and consultation with, the Federal Transit Administration, shall establish and publish a multiple award schedule for heavy-duty transit buses and intercity coaches which shall permit Federal agencies and State, regional, or local transportation authorities that are recipients of Federal Transit Administration assistance or grants where Federal funds provide the majority of the funding for the bus procurement, or other ordering entities, to acquire heavy-duty transit buses and intercity motor coaches under those schedules.

#### SEC. 5. REPORTING REQUIREMENTS.

(a) **IN GENERAL.**—The Administrator of the Federal Transit Administration and the Administrator of General Services shall submit a joint report quarterly, in writing, to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.

(b) **CONTENTS.**—The report required to be submitted under subsection (a) shall describe, with specificity—

- (1) all measures being taken to accelerate the processes authorized under this Act, including estimates on the effect of this Act on job retention in the bus and intercity coach manufacturing industry;
- (2) job creation in the bus and intercity coach manufacturing industry as a result of the authorities provided under this Act; and
- (3) bus and intercity coach manufacturing economic growth in those States and localities that have participated in the pilot program to be carried out under this Act.

#### SEC. 6. COMPLIANCE WITH OTHER LAW.

Except as otherwise specifically provided in this Act, this Act shall be carried out in accordance with all applicable Federal transit laws and requirements.

AMERICAN PUBLIC TRANSPORTATION  
ASSOCIATION,

Washington, DC, December 18, 2001.

Hon. JEFF BINGAMAN,  
Chairman, Committee on Energy and Natural  
Resources, Dirksen Senate Office Building,  
Washington, DC.

DEAR MR. CHAIRMAN: I write regarding a bill I understand you intend to introduce this session, the "Public Transit Authority Pilot Procurement Authorization Act of 2001", that would allow recipients of funds under the federal transit program to purchase heavy-duty and intercity buses from the General Services Administration schedule of contracts.

The Business Member Board of Governors of the American Public Transportation Association (APTA) considered a similar provision in a meeting on Sunday, September 30, 2001. They voted in support of the measure.

Further, on December 7, 2001, APTA's Legislative Committee considered a proposal similar to the provisions of your bill and unanimously agreed to support it. While APTA's governing body has not had an opportunity formally to consider your bill, our public transit members are supportive of measures that would simplify and standardize the federal procurement process, as this provision would do. We are particularly

pleased to note that under the provision GSA, with assistance from the Federal Transit Administration, would be required to establish and publish a multiple award schedule for heavy-duty buses, which means that any heavy-duty or intercity bus manufacturer would be provided an opportunity to participate in the program.

Please have your staff contact Daniel Duff, APTA's Chief Counsel & Vice President, Government Affairs, should you have any questions about this matter. He may be reached at (202) 496-4860 or internet e-mail dduff@apta.com.

Sincerely yours,

WILLIAM W. MILLAR,  
President.

By Mr. KERRY:

S. 1845. A bill to amend title 5, United States Code, to create a presumption that disability of a Federal employee in fire protection activities caused by certain conditions is presumed to result from the performance of such employee's duty; to the Committee on Governmental Affairs.

Mr. KERRY. Mr. President, today I am introducing legislation on behalf of thousands of Federal fire fighters and emergency response personnel worldwide who, at great risk to their own personal health and safety, protect America's defense, our veterans, Federal wildlands, and national treasures. Although the majority of these important Federal employees work for the Department of Defense, Federal fire fighters are also employed by the Department of Veterans Affairs, and the United States Park Service. From first-response emergency care services on military installations around the world to front-line defense against raging forest fires here at home, we call on these brave men and women to protect our national interests.

Yet under Federal law, compensation and retirement benefits are not provided to Federal employees who suffer from occupational illnesses unless they can specify the conditions of employment which caused their disease. This onerous requirement makes it nearly impossible for Federal fire fighters, who suffer from occupational diseases, to receive fair and just compensation or retirement benefits. The bureaucratic nightmare they must endure is burdensome, unnecessary, and in many cases, overwhelming. It is ironic and unjust that the very people we call on to protect our Federal interests are not afforded the very best health care and retirement benefits our Federal Government has to offer.

Today, I introduced legislation, the Federal Fire Fighters Fairness Act of 2001, which amends the Federal Employees Compensation Act to create a presumptive disability for fire fighters who become disabled by heart and lung disease, cancers such as leukemia and lymphoma, and infectious diseases like tuberculosis and hepatitis. Disabilities related to the cancers, heart, lung, and infectious diseases enumerated in this important legislation would be considered job related for purposes of workers compensation and disability retire-

ment, entitling those affected to the health care coverage and retirement benefits that they deserve.

Too frequently, the poisonous gases, toxic byproducts, asbestos, and other hazardous substances with which Federal fire fighters and emergency response personnel come in contact, rob them of their health livelihood, and professional careers. The Federal Government should not rob them of necessary benefits. Thirty-eight States have already enacted a similar disability presumption law for Federal fire fighters' counterparts working in similar capacities on the State and local levels.

The effort behind the Federal Fire Fighters Fairness Act of 2001 marks a significant advancement for fire fighter health and safety. Since September 11, there has been an enhanced appreciation for the risks that fire fighters and emergency response personnel face everyday. Federal fire fighters deserve our highest commendation and it is time to do the right thing for these important Federal employees.

The job of fire fighting continues to be complex and dangerous. The nationwide increase in the use of hazardous materials, the recent rise in both natural and manmade disasters, and the threat of terrorism pose new threats to fire fighter health and safety. The Federal Fire Fighters Fairness Act of 2001 will help protect the lives of our fire fighters and it will provide them with a vehicle to secure their health and safety.

I urge my colleagues to embrace this bipartisan effort and support the Federal Fire Fighters Fairness Act of 2001 on behalf of our Nation's Federal fire fighters and emergency response personnel.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2614. Mr. MCCAIN (for himself, Mr. GRAMM, Mr. KERRY, Mrs. MURRAY, and Mr. SMITH of Oregon) submitted an amendment intended to be proposed by him to the bill S. 1731, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; which was ordered to lie on the table.

SA 2615. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2616. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2617. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2618. Mr. COCHRAN submitted an amendment intended to be proposed to

amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2619. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2620. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2621. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2622. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2623. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2624. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2625. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2626. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2627. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2628. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2629. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2630. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2631. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2632. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 2602 submitted by Mr. WELLSTONE and intended to be proposed to the amendment SA 2471 proposed by Mr. DASCHLE to the bill (S. 1731) supra; which was ordered to lie on the table.